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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,580	12/31/2003	Michael D. Hamerski	59116US002	8979
32692	7590	11/14/2005		
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER TOLAN, EDWARD THOMAS	
			ART UNIT	PAPER NUMBER
			3725	
DATE MAILED: 11/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,580

Applicant(s)

HAMERSKI ET AL.

Examiner

Edward Tolan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-10-2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman (WO 87/01324) in view of Schumann (5,921,514). Bergman discloses a method of applying a compressive force to a selected location (7) on a workpiece surface (1). Bergman discloses a body member (13) and a force applying member (11,17,23) movably connected with the body member. An adhesive tape (29) is used to attach the body member to the surface and one end (23) of the force applying member is positioned adjacent the selected location. The force applying member (11,23) is movable by wingnut (17) which is threadably connected with the body member to generate a compressive force. The body member is slidable along the force applying member (11). Bergman does not disclose that the tape is stretch releasable. Schumann teaches a double sided stretch adhesive tape (4) for attaching a member (2) to a surface. It would have been obvious to one skilled in the art at the time of invention to provide the adhesive tape of Bergman with stretch releasability as taught by Schumann in order to easily detach the tape from the surface. Regarding claim 3, Bergman discloses metal and Schumann teaches masonry (tile).

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Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman (WO 87/01324) in view of Schumann (5,921,514) and further in view of Meichtry (6,874,347). Bergman in view of Schumann does not disclose a pivotal force applying member. Meichtry teaches pivot arms (163.1,163.2) for applying force. It would have been obvious to one skilled in the art at the time of invention to provide Bergman in view of Schumann with pivotal arms as taught by Meichtry in order to produce a larger force through leverage.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman (WO 87/01324) in view of Schumann (5,921,514) and further in view of Ritter (6,792,790). Bergman in view of Schumann does not disclose a spring. Ritter teaches that it is known to use a spring (19) in a force applying member (15). It would have been obvious to one skilled in the art at the time of invention to provide Bergman in view of Schumann with a spring as taught by Ritter in order to bias the body member against the workpiece.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman (WO 87/01324) in view of Schumann (5,921,514) and further in view of Holsapple (3,712,106). Bergman in view of Schumann does not disclose a pair of force applying members. Holsapple teaches force applying members (24,26) that are forced in tension or compression by lever (14). The members are shown acting at an angle to one another on a curved surface (60). It would have been obvious to one skilled in the art at the time of invention to provide Bergman in view of Schumann with an additional

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force applying member in order to operate on curved surfaces or to affect a greater surface area.

Claims 11-15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ventura (6,722,179) in view of Bergman (WO 87/01324) and further in view of Schumann (5,921,514). Ventura discloses a method of removing a dent (2) from a workpiece (3) comprising the steps of providing a device including a body member (7) and a force applying member (9,10) movably connected with the body member, attaching the body member to the surface of the workpiece using hot melt adhesive (col. 4, lines 37-53) and moving the force applying member to remove the dent. Ventura suggests the use of other adhesives besides hot melt in col. 4, lines 53 and 54. Ventura does not disclose a tape adhesive. Bergman teaches a tape adhesive (29) used to secure a member (13) to a vehicle body panel part. It would have been obvious to one skilled in the art at the time of invention to substitute the tape adhesive of Bergman for the hot melt adhesive of Ventura in order to reduce cleanup of the body panel (the tape leaves less residue than glue) and to avoid heating means for the glue.

Ventura in view of Bergman does not disclose that the tape is stretch releasable. Schumann teaches a double sided stretch adhesive tape (4) for attaching a member (2) to a surface. It would have been obvious to one skilled in the art at the time of invention to provide the adhesive tape of Ventura in view of Bergman with stretch releasability as taught by Schumann in order to easily detach the tape from the surface. Regarding claim 12, Ventura discloses metal and Schumann teaches masonry (tile).

Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ventura (6,722,179) in view of Bergman (WO 87/01324) and Schumann (5,921,514) and further in view of Meichtry (6,874,347). Ventura in view of Bergman and Schumann does not disclose a pivotal force applying member. Meichtry teaches pivot arms (163.1,163.2) for applying force. It would have been obvious to one skilled in the art at the time of invention to provide Ventura in view of Bergman and Schumann with pivotal arms as taught by Meichtry in order to produce a larger force through leverage.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ventura (6,722,179) in view of Bergman (WO 87/01324) and Schumann (5,921,514) and further in view of Ritter (6,792,790). Ventura in view of Bergman and Schumann does not disclose a spring. Ritter teaches that it is known to use a spring (19) in a force applying member (15). It would have been obvious to one skilled in the art at the time of invention to provide Ventura in view of Bergman and Schumann with a spring as taught by Ritter in order to bias the force applying member against the workpiece or the bridge.

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection. In response to Applicant's arguments of 8-19-2005 the Examiner has removed Hutter, III as a teaching reference. A new rejection using newly cited art to Bergman (Applicant's IDS of 6-10-2005) has been set forth by the Examiner.

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Bergman discloses a releasable adhesive tape that has a lower resistance to peeling or shearing than to pure tension (page 5, lines 8-17). The tape is used in the vehicle repair arts. Bergman states "double sized adhesive tape", it is probably meant to be "double sided", but to be clear the Examiner has used Schumann which teaches double sided stretch releasable adhesive. Therefore, absent criticality established by Applicant's disclosure as to a pounds force requirement for tensile force used in dent pulling, the Examiner's position is that the tape of Bergman is substitutable for the hot melt of Ventura and Ventura provides motivation for using other adhesives.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525.

EDTOLAN
PRIMARY EXAMINER
